

cervical ulcer, diseases of the urinary bladder, pruritus ani, hemorrhoids, hardening of the arteries, and arthritis. The article was not effective in the treatment of such conditions.

DISPOSITION: February 10, 1954. Nutrition Center, Inc., St. Louis, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the bottles of *apple juice concentrate* and *chlorophyll formula* be released to the claimant for the purpose of selling such articles and that the leaflets and the booklets be held by the Department of Health, Education, and Welfare.

The decree provided also that the *apple juice concentrate* and the *chlorophyll formula* should not be sold with any other leaflets or booklets identical to, or similar to, those which were seized; and that none of the products should be disposed of by the claimant until the Department of Health, Education, and Welfare, or the United States attorney, should have had further access thereto in order to take any samples or make any tests deemed necessary and have released such products for sale or other disposition.

4396. Misbranding of Hercules Tonic Tea No. 5 and Hercules Regulator Laxative and Diuretic Tea. U. S. v. 207 Packages, etc. (F. D. C. No. 36366. Sample Nos. 71766-L, 71767-L.)

LIBEL FILED: January 29, 1954, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 21, 1953, from Jersey City, N. J.

PRODUCT: 207 packages of *Hercules Tonic Tea No. 5* and 201 packages of *Hercules Regulator Laxative and Diuretic Tea* at Michigan City, Ind., in possession of the Hercules Tea Co., together with a number of booklets entitled "Read And Save This Valuable Booklet Hercules Tea Co."

RESULTS OF INVESTIGATION: The shipment described above was a bulk shipment, and upon its receipt by the consignee, was repackaged and relabeled. The above-mentioned booklets were printed for the consignee and were distributed to customers and prospective customers.

LABEL, IN PART: (Package) "Hercules Tonic Tea No. 5 * * * 3 Ozs. * * * Formula Linden Flowers Chamomile Juniper Fennel Pale Rose Buds Elder Flowers Senna * * * Best Investment For Your Health It may do wonder for you—make you feel, eat, sleep, work and enjoy better life" and "Hercules Regulator Laxative and Diuretic Tea 3 Ozs. * * * Formula: — Elder, Anise, Fennel, Chamomile, Rose Buds, and Senna. Acts as a laxative and to increase the flow of Urine."

NATURE OF CHARGE: *Hercules Tonic Tea No. 5*. Misbranding, Section 502 (a), certain statements on the label of the article and in the above-mentioned booklet accompanying the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for enabling one to feel, eat, sleep, work, and enjoy better life; and for invalidism, rundown condition, providing internal health, strengthening the system, unbalanced nerves, impaired digestion, unbalanced nervous temperament, impaired condition of physical energy, restoring red blood cells, sluggish kidneys, backache, dizziness, headache, loss of pep, nervousness, rheumatic pains, providing an antiseptic to the urine, and preventing anemia, nervous breakdown, rheumatism, liver and kidney troubles, ulcers, Bright's disease, diabetes, and gallstones. The article was not an adequate and effective treatment for such conditions and purposes.

Hercules Regulator Laxative and Diuretic Tea. Misbranding, Section 502 (a), certain statements on the label of the article and in the above-mentioned booklet accompanying the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for biliousness, loss of appetite, sleeplessness, headache, dizziness, and torpidity, and for preventing anemia, nervous breakdown, rheumatism, liver and kidney troubles, ulcers, Bright's disease, diabetes, and gallstones. The article would not be an adequate and effective treatment for such conditions and purposes.

The articles were misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: March 12, 1954. Default decree of condemnation and destruction.

4397. Misbranding of Special Herb Formula and Wildunger Brand herb tea. U. S. v. 2 Drums, etc. (F. D. C. No. 36367. Sample Nos. 54293-L to 54296-L, incl.)

LABEL FILED: February 2, 1954, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 3 and October 22, 1953, from Jersey City, N. J.

PRODUCT: 2 100-pound drums, 1 90-pound drum, and 4 pounds of *Special Herb Formula*, and 18 cartons of the *Special Herb Formula* repackaged from the bulk drums under the name of *Wildunger Brand herb tea* at Detroit, Mich., in possession of the Botanical Mail-Order House, together with a number of loose labels for application to the cartons as repacked; a number of empty cellophane envelopes labeled, in part, "Sample Trial Size (Makes One Quart) Wildunger Brand Herb Tea: A Stimulant Diuretic," which envelopes were for use in distributing free samples of the product; a number of form letters identified as "Dear Friend: At your request," "Dear Friend: At the request of one of your," "Dear Friend: Your order for Wildunger," "Dear Friend: Some time ago we mailed you a sample of our famous Wildunger Brand Herb Tea," and "Gentlemen: Please accept with our compliments"; a number of leaflets identified as "Gutachten Werte Herren," "Gutachten Liebe Freunde," "This Is It," and "Wildunger Brand Herb Tea Is Here At Last"; and a number of folders entitled "Wildunger Brand Herb Tea A Stimulant Diuretic."

RESULTS OF INVESTIGATION: The repackaging of the product was done by the consignee. Some of the above-mentioned form letters, leaflets, and folders were printed locally for the consignee, and some were mimeographed by the consignee at his place of business.

LABEL, IN PART: (Drum) "Cut & Sifted Hoffmann's Special Herb Formula #141 Revised"; (carton) "Wildunger Brand Herb Tea A Stimulant Diuretic Wildunger 'Brand' Herb Tea is prepared by a special process and contains the following ingredients: Bean Shells, Corn Silk, Birch Leaves, Bearberry Leaves, Shave Grass, Buchu Leaves, Licorice Root, Anise Seed, Peppermint Leaves. 6½ Oz. Approx. Weight * * * Prepared For and Distributed By Botanical Mail-Order House Detroit 19, Michigan."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the above-mentioned carton labels, cellophane envelopes, form letters, leaflets, and folders accompanying the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for metabolic disorders, kidney disorders, bladder disorders, conditions which manifest themselves by abnormal urine, excessive thirst,